

Item # _____

Moved by: _____

Prepared by: Steve Mulroy

Seconded by: _____

Approved by: _____
Assistant County Attorney

A Resolution by The Board of Commissioners of Shelby County, Tennessee, requesting The Shelby County Delegation to support, and members of The Tennessee General Assembly to enact, legislation amending Tennessee Code Annotated, Title 2, Chapter 3, Section 206, relative to the place and time of elections. Sponsored by Commissioner Steve Mulroy.

WHEREAS, Election reform and the movement for better voting has rapidly taken root across the country and has made many efforts in increasing voter participation as well as strong and fair representation; and

WHEREAS, Only fifty percent of Americans vote in our most important national elections; far fewer cast ballots in federal off-presidential election years, and even fewer vote in state and local elections; and

WHEREAS, Important as it is to retain the trust of the fifty percent who do vote, it is equally crucial to examine reforms that will bring the rest of our citizens to the polls; and

WHEREAS, Tennessee has taken recent steps to promote election reform including the passing of the Tennessee Voter Confidence Act of 2007; and

WHEREAS, The use of alternative elections systems and choices of voting technology can either constrain voters and public officials from taking advantage of election system advancements available today and in the future, or it will provide flexibility ; and

WHEREAS, Studies show that such alternative election systems, including but not limited to instant runoff voting, encourage voter participation, assure fairer and

more accurate representation of voters, and provide results that better reflect the will of the voters; and

WHEREAS, Local governments should have the flexibility to experiment with alternative election systems, if that is the will of the local voters;

WHEREAS, the Board of County Commissioners of Shelby County, Tennessee, believes that it is appropriate that a resolution be passed requesting the Tennessee General Assembly to amend Tennessee Code Annotated, Title 2, Chapter 3, Section 206 relative to the place and time of elections.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, that this Board, after careful consideration, hereby requests the Shelby County Legislative Delegation to support, and members of the Tennessee General Assembly to enact, legislation amending Tennessee Code Annotated, Title 2, Chapter 3, Section 206, a copy of which is attached hereto and incorporated herein by reference, amending Tennessee Code Annotated, relative to the place and time of elections.

BE IT FURTHER RESOLVED, that the Shelby County Legislative Delegation and the members of the Tennessee General Assembly be made aware of the request by copy of this resolution.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately, the public welfare requiring the same.

Joyce Avery, County Mayor

Date: _____

ATTEST:

Clerk of County Commission

ADOPTED: _____

SUMMARY SHEET

I. Description of Item

Resolution requesting members of the Tennessee General Assembly to support legislation amending Tennessee Code Annotated, Title 2, Chapter 3, Section 206, relative to the place and time of elections.

Election reform and the movement for better voting has rapidly taken root across the country and has made many efforts in increasing voter participation as well as strong and fair representation. Only fifty percent of Americans vote in our most important national elections; far fewer cast ballots in federal off-presidential election years, and even fewer vote in state and local elections. Important as it is to retain the trust of the fifty percent who do vote, it is equally crucial to examine reforms that will bring the rest of our citizens to the polls. Tennessee has taken recent steps to promote election reform including the passing of the Tennessee Voter Confidence Act of 2007. Studies show that the use of alternative elections systems, including but not limited to instant runoff voting, can in some circumstances provide fairer representation, lower election costs, and higher voter turnout, among other benefits. The suitability of these alternative systems should be decided by the voters of each locality on a case by case basis. The proposed change in state law would simply remove one barrier to local experimentation with such a system, making it more of a "local option." This kind of flexibility is particularly important for Shelby County as it prepares a new metropolitan charter for approval by the voters. State law currently prohibits runoffs in primary elections which occur less than 30 days after the primary election. The provision was written without reference to instant runoff voting, which, if applied to a primary election, would by its very nature would take place instantaneously with the primary. This proposed change to state law would simply clarify that such a requirement of waiting 30 days for a primary runoff applies only to a traditional separate runoff election, not an "instant" runoff election. This would leave the choice up to each locality, without encouraging or discouraging such local experimentation.

II. Source and Amount of Funding

Not applicable.

III. Contract Items

Not applicable.

IV. Additional Information Relevant to Approval of this Item

Text of proposed legislation is attached.

ATTACHMENTS--PRESENT LAW

§ 2-3-206.

Runoff following primary election for municipal office — Procedure for absentee voting required. —

(a) Notwithstanding any provision of this title to the contrary, in any municipality in which the charter of such municipality provides for a runoff election following a primary election for municipal office, such runoff election may be held not less than thirty (30) days following the primary election.